


SO ORDERED

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
ST. LOUIS DIVISION

Feb 25, 2020

  
BARRY S. SCHERMER  
United States Bankruptcy Judge

Stanley LW Watson, Sr., ) Case No.: 20-40372-399  
)  
Debtors, )  
) Chapter 13  
)  
U.S. Bank National Association, as ) MOTION FOR COMFORT ORDER  
Trustee for SASCO Mortgage Loan ) CONFIRMING THAT AUTOMATIC  
Trust 2005-WF3, its successors and/or ) STAY IS NOT IN EFFECT  
assigns, ) PURSUANT TO SECTION 362(j)  
) AND RELIEF FROM CO-DEBTOR  
Movant, ) STAY PURSUANT TO 11 U.S.C.  
) §1301  
)  
Stanley L W Watson, Sr. )  
Diana S Daugherty, Chapter 13 Trustee )  
)  
Respondents.

**MOTION FOR COMFORT ORDER CONFIRMING THAT AUTOMATIC STAY IS  
NOT IN EFFECT PURSUANT TO SECTION 362(j) AND  
RELIEF FROM CO-DEBTOR STAY PURSUANT TO 11 U.S.C. §1301**

**WARNING: PURSUANT TO 11 U.S.C. SECTION 362(j) AND THIS COURTS  
AMENDED ORDER IMPLEMENTING INTERIM PROCEDURES UNDER THE  
BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACTION OF 2005  
AND ADOPTING INTERIM BANKRUPTCY RULES & FORMS, PARAGRAPH 37, PG. 11  
(MOTION FOR ORDER CONFIRMING THE STAY IS INAPPLICABLE UNDER SEC. 362(J)  
(COMFORT ORDER)  
(AMENDED ORDER), NOTICE IS HEREBY GIVEN THAT Wells Fargo Bank, N.A., its  
successors and/or assignees, A PARTY IN INTEREST, HEREBY MOVES THIS COURT  
FOR AN ORDER CONFIRMING THAT THE AUTOMATIC STAY HAS BEEN TERMINATED  
PURSUANT TO 11 U.S.C. SECTION 362(J) AS TO DEBTOR AND THE RESIDENTIAL REAL  
PROPERTY LOCATED AT 3814 Melstone Court, Florissant, Missouri 63034 (PROPERTY),  
CURRENTLY OCCUPIED BY DEBTOR. PURSUANT TO 11 U.S.C. SECTION 362(j) AND  
THE AMENDED ORDER, NO HEARING IS REQUIRED.**

COMES NOW Movant, U.S. Bank National Association, as Trustee for SASCO  
Mortgage Loan Trust 2005-WF3, its subsidiaries, affiliates, predecessors in interest, successors  
and/or assigns ("Movant" or "Creditor"), and states as follows in support of its Motion for Order

Confirming Automatic Stay is Not in Effect Pursuant to Section 362(j) and Relief from the Co-Debtor Stay:

**COUNT I**  
**MOTION FOR COMFORT ORDER CONFIRMING THAT AUTOMATIC STAY IS**  
**NOT IN EFFECT PURSUANT TO SECTION 362(j)**

1. Movant is a corporation duly organized and existing by virtue of law.
2. On January 24, 2020, Stanley LW Watson, Sr. (“Debtor”) filed for protection in the Bankruptcy Court for the Eastern District of Missouri (“the Bankruptcy Court”) under Chapter 13 of the Bankruptcy Code, being bankruptcy case number 20-40372-399 (“the Current Bankruptcy Case”).
3. Diana S Daugherty (“Trustee”) is appointed Trustee of the Current Bankruptcy Case.
4. Movant is the holder, or legal agent of the holder, of a Note secured by a Deed of Trust – copies of each are attached hereto as exhibits – encumbering real property, owned by Debtors, and commonly known and numbered as 1724 Muriel Drive, Saint Louis, Missouri 63138 (“the Property”). The Property is legally described as follows:

**Part of Lot 8 of Daniel Bissell Estate in St. Louis County, Missouri and described as: Beginning at a point in the West line of Lot 8 of Daniel Bissell Subdivision at its intersection with the South line of Lot 18 of Bellefontaine Place No. 3 a subdivision recorded in the St. Louis County Records, thence Southwardly along the West line of Lot 8 of said Daniel Bissell Subdivision 648.29 feet to a point in the North line of Mackin Avenue, 40 feet wide, thence Eastwardly along the North line of Mackin Avenue 411.76 feet to a point; thence Northwardly and perpendicular to the North line of Mackin Avenue 10.00 feet to a point; thence Eastwardly along the North line of Mackin Avenue 50 feet wide 401.58 feet to a point of curvature; thence along a curve to the left having a radius of 20.00 feet a distance of 29.78 feet to a point in the West line of Catherine Drive, 50 feet wide, thence along the West line of Catherine Drive 171.25 feet to the Southeast corner of Lot 36 of Bellefontaine Place No. 3; thence Westwardly along the South line of Bellefontaine Place No. 3, a distance of 633.10 feet to the Southwest corner of Lot 31 of said subdivision; thence Northwardly along the West line of Lots 31**

**and 30 of said subdivision 450.00 feet to a point; thence Westwardly along the South line of Lot 18 of said subdivision 213.15 feet to the beginning.**

5. Debtor had two bankruptcies pending within the preceding one-year period prior to filing of the Current Bankruptcy Case: Bankruptcy Case # 17-45822 and Bankruptcy Case #19-43440 (collectively, “the Previous Bankruptcy Cases”).

6. On February 6, 2020, the Bankruptcy Court entered its Order denying Debtor’s Amended Motion to Impose the Automatic Stay.

7. At the time of the filing of the Current Bankruptcy Case, the Note and Deed of Trust are in default.

8. Movant is not provided, and has not been offered, adequate protection of its interest in the Property.

9. Debtor has no equity in the Property, which a forced sale would further diminish the value of the Property.

10. Movant has no adequate remedy at law. Therefore, Movant will be irreparably injured and damaged, unless the automatic stay is confirmed to have been terminated and Movant is able to exercise its rights in foreclosure pursuant to the Deed of Trust and state law.

11. Pursuant to Section 362(c)(4)(A) the Automatic Stay is not in effect. As such, Movant seeks an Order pursuant to Section 362(j) and 362(c)(4)(A) confirming that the automatic stay is not in effect.

WHEREFORE, Movant respectfully requests that the Bankruptcy Court enter its Order: Granting the Motion; and, confirming that the Automatic Stay is not in effect in regard to the Property and Movant; and, permitting Movant to proceed with foreclosure on the Property; to pursue its remedies under state law in connection with the aforesaid Deed of Trust and Note; and, permitting Movant to pursue its remedies under state law for possession of the Property

after foreclosure; and, confirming that the Property is not property of the bankruptcy estate; and, confirming that any Chapter 13 Plan proposed or confirmed in the Current Bankruptcy Case shall not be binding on Movant; and, granting such other relief as is appropriate and just.

**COUNT II**  
**MOTION FOR RELIEF FROM CO-DEBTOR STAY PURSUANT TO 11 U.S.C. §1301**

Movant states as follows in support of Count II of the Motion:

12. Debtor restates each and every allegation as contained in Paragraphs 1 through 11 of the Motion, as if fully set forth herein.

13. Upon information and belief, Non-Filing Co-Debtor is Victoria A. Watson (“Co-Debtor”).

14. Upon information and belief, the Co-Debtor continues to assert an interest in the Property.

15. Upon information and belief, the Co-Debtor continues to use the Property, and such use causes the Property to depreciate to the detriment of Movant.

WHEREFORE, Movant respectfully requests that the Bankruptcy Court enter its Order: Granting Count II of the Motion; and, terminating the Co-Debtor Stay of 11 U.S.C. §1301 as to Co-Debtor, Victoria A. Watson; and, granting such other relief as is appropriate and just.

SHAPIRO & KREISMAN, LLC

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically on February 24, 2020, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

**Attorney for Debtor:**

Dino Selimovic  
A&L, Licker Law Firm, LLC  
1861 Sherman Drive  
St. Charles, MO 63303

**Chapter13 Trustee:**

Diana S Daugherty  
PO Box 430908  
St. Louis, MO 63143

**Office of the US Trustee:**

Thomas Eagleton US Courthouse  
111 S. 10th Street, Suite 6353  
St. Louis, MO 63102

I hereby certify that a true and correct copy of the foregoing document was filed electronically on February 24, 2020, with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, to the parties listed below on February 24, 2020.

**Debtor:**

Stanley LW Watson, Sr.  
1724 Muriel Drive  
St. Louis, MO 63138

**Co-Debtor:**

Victoria A. Watson  
1724 Muriel Drive  
St. Louis, MO 63138

/s/Zachary G. Edwards

Zachary G. Edwards #63798

Adam S. Kerekanich #68602